

### REMARKS

Claims 1-8, 10-25, and 27-34 were pending as of the action mailed on September 5, 2008. Claims 1, 17-18, and 34 are in independent form.

Claims 1, 17-18, and 34 are being amended. No new matter has been added. Support for the amendments can be found in the specification, for example, on page 5, lines 25-30 and FIG. 1. Reconsideration of the action is respectfully requested in light of the foregoing amendments and the following remarks.

#### **Section 112 Rejections**

The examiner rejected claims 1-8, 10-25, and 27-34 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Specifically, the examiner states that claims 1, 17-18, and 34 lack antecedent basis for the phrase “the color information of the image”. The applicant has amended claims 1, 17-18, and 34 to recite “an image having color information” at an earlier point. Therefore, the phrase identified by the examiner has proper antecedent basis. The applicant respectfully requests that the section 112, second paragraph, rejections be withdrawn.

#### **Section 101 Rejections**

Claims 1-8, 10-25, and 27-34 were rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. In particular, the examiner states that the claims are directed to mathematical algorithms without practical application. Furthermore, the examiner states that the claims are practical preemption.

Specifically, while the examiner states that the claims are directed to a mathematical algorithm, the examiner also recognizes that a claim can be directed to a practical application of a section 101 judicial exception when it either transforms an article or physical object to a different state or thing or otherwise produces a useful concrete and tangible result. *See office action page 3.*

The applicant disagrees with the examiner's assertion that the claims are directed to mathematical algorithms. Each of the independent claims recites adjusting color information of an image. Thus, the claims are not directed simply to algorithms. However, in order to advance

prosecution, independent claims 1, 17, 18, and 34 have each been amended to further recite receiving an image having color information and rendering the image using the adjusted color information. The applicant respectfully submits that these claims, as amended, satisfy the requirements for judicial exceptions to section 101 as set forth in MPEP 2106 IV.

In particular, the applicant respectfully submits that the recited adjusting of color information from the received image provides a transformation of the image. Moreover, the applicant respectfully submits that the claimed rendering of the image using the adjusted color information provides a useful, concrete, and tangible result. Furthermore, the claims do not preempt all uses of the recited concepts. To the contrary, they are limited to use in adjusting the color information of an image.

Therefore, the applicant respectfully submits that claims 1-8, 10-25, and 27-34 satisfy the requirements of section 101 and are in condition for allowance.

### **Conclusion**

For the foregoing reasons, the applicant submits that all the claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the applicant's decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

Applicant : James J. Estrada  
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Respectfully submitted,

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/Brian J. Gustafson/

Brian J. Gustafson  
Reg. No. 52,978

**Customer No. 21876**

Fish & Richardson P.C.  
Telephone: (650) 839-5070  
Facsimile: (650) 839-5071

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